



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/547,443	11/07/2005	Marysusan Couturier	L3799-01	1200
33250	7590	11/20/2008	EXAMINER	
W. R. GRACE & CO.-CONN			OJURONGBE, OLATUNDE S	
ATTENTION: PATENT DEPARTMENT			ART UNIT	PAPER NUMBER
62 WHITMORE AVENUE				1796
CAMBRIDGE, MA 02140				
		MAIL DATE	DELIVERY MODE	
		11/20/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

The applicant argues that *the composition must be essentially free of erucamide or other unsaturated amide (e.g oleamide). Knight does not teach a composition that is free of unsaturated amide and that includes an oxidized polyethylene in combination with an organopolysiloxane and a saturated amide.*

Though Knight does not explicitly teach that the composition of the invention is essentially free of erucamide or other unsaturated amide, Knight teaches that the fatty amide of the invention is for instance an aliphatic amide, being for instance stearamide or oleamide (col.9, lines 7-13); such compositions of the invention containing stearamide, are essentially free of erucamide or other unsaturated amide.

Further, Knight teaches a composition comprising a wax, an example of which is polyethylene wax (page 7, line 30), and a slip aid which is preferably a blend of silicone oil and fatty amide, the fatty amide being for instance stearamide (page 9, lines 7-13).

The polyethylene wax of Knight inherently undergoes oxidation to produce oxidized polyethylene wax as pointed out in prior office action and stearamide is a saturated amide.

The applicant further argues *As pointed out by the 5xammer, example 2 of Knight discloses a composition comprising three slip components: a polyethylene wax, a silicone and a fatty amide, namely oleamide. However, this composition differs from the claimed composition in three important respects. First, it does not include a saturated amide as required by the claims. Second, it includes an unsaturated amide (oleamide) which the claims specifically exclude. Third, it includes polyethylene wax, which is a form of polyethylene, not oxidized polyethylene as required by the claims.*

The invention of Knight is not limited to the composition of Example 2; moreover, the examiner points to the composition of Example 2 to show that Knight teaches the composition of the invention comprising ethylene vinyl acetate and polyethylene in amounts of 80 parts and 4.05 parts respectively.

The applicant further argues *While Knight generally teaches that stearamide, a saturated amide, may be employed as a fatty amide, Knight does not disclose the specific combination of stearamide with silicone and oxidized polyethylene, as claimed. Thus, although Knight includes a saturated amide in a list of potential materials that may be employed, this general disclosure is not an anticipatory express disclosure of the specific combination as claimed. To anticipate, one must have identity in disclosure, not just a possibility based on suggestion. Moreover, since Knight has only exemplified an unsaturated amide (oleamide) in the examples, these examples, clearly do not anticipate the claimed invention. In fact, the use of oleamide in the examples constitutes a clear preference by Knight that teaches away from the present invention, which specifies that the composition must be essentially free of unsaturated amide.*

Firstly, Knight exemplifies only two options for the fatty amide of the invention, stearamide or oleamide, this list is limited enough to anticipate the present invention. Moreover, by teaching that the slip aid of the invention is preferably a blend of silicone oil and fatty amide and exemplifying stearamide as a fatty amide of the invention and further teaching the composition comprising a wax, an example of which is polyethylene wax, which inherently undergoes oxidation, Knight teaches a combination of stearamide with silicone oil and oxidized polyethylene.

Furthermore, the invention of Knight is not limited to the taught examples.

The applicant further argues *the Examiner is clearly incorrect in hypothesizing that the polyethylene wax included in the Knight compositions would oxidize to produce the oxidized polyethylene required by the claimed composition. First, it is well-known that commercially available polyethylenes typically include thermal stabilizers or antioxidants. See, for example, Kirk-Othmer Encyclopedia of Chemical Technology, "Antioxidants, Polymers," Vol. 3, p. 102 (2002), copy submitted herewith, particularly section 8.1 on page 118 ("Low concentrations of stabilizers (0.1%) are often added to polyethylene"). Also, see section 2.2 (p. 103) which indicates that a linear hydrocarbon such as polyethylene is the most stable..*

..... While the Examiner has cited Winslow, a 1958 article, for its recognition that polyethylene oxidizes, the Examiner has ignored Winslow's teaching that antioxidant compounds may be added to polyethylene to counteract the oxidation (see p. 319, col. 2, lines 5-7; p. 320, last paragraph). Thus, Winslow essentially confirms what has become the present day common usage of antioxidants in polyethylene resin.

Though the inclusion of thermal stabilizers or antioxidants in commercially available polyethylenes might be true, nowhere in the disclosure does Knight teach the use of commercially available polyethylene wax.

Kirk-Othmer Encyclopedia teaches that polyethylene is more stable than polybutadiene, polyunsaturated fats and polypropylene; this does not negate the fact that polyethylene also undergoes oxidation in air to produce oxidized polyethylene as pointed out in prior office action.

While it is true that antioxidants retard the reaction of organic materials such as synthetic polymers with atmospheric oxygen, Knight teaches antioxidants as an optional component in the disclosed invention.

The applicant further argues *all of the Knight examples include a thermal stabilizer as an additive. This stabilizer is included to prevent oxidation of the components included in the Knight compositions.*

As pointed out earlier, the invention of Knight is not limited to the taught examples and nowhere in the prior art does Knight list stabilizer(s) as an essential part of the invention.